

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TEXTILE COMPUTER SYSTEMS, INC.,

Plaintiff,

v.

COMERICA BANK, ET AL.,

Defendants.

CIVIL ACTION NO. 6:21-cv-1052-ADA

JURY TRIAL DEMANDED

JOINT MOTION TO DISMISS COMERICA BANK

WHEREAS, one or more third party agreements have resolved some or all of the claims between Plaintiff Textile Computer Systems, Inc. (“Textile”) and Defendant Comerica Bank (“Comerica”).

NOW, THEREFORE, Textile and Comerica, through their attorneys of record, request that the Court dismiss with prejudice all claims asserted by Textile against Comerica in this case that are licensed under the one or more third party agreements including, but not limited to, any debit or credit cards issued, and/or transactions processed in whole or in part, by U.S. Bank National Association (d/b/a Elan Financial Services), U.S. Bancorp, and/or any of their respective affiliates; dismiss with prejudice all claims asserted by Textile against Comerica relating to Comerica’s Licensed Debit System (identified in Dkt. No. 82); dismiss without prejudice all other claims asserted by Textile against Comerica in this case; and dismiss without prejudice Comerica’s claims, defenses, or counterclaims for relief against Textile, with each party to bear their own attorneys’ fees, costs of court, and expenses.

Dated: December 15, 2022

Respectfully submitted,

/s/ Matthew J. Antonelli

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on December 15, 2022.

/s/ Matthew J. Antonelli

Matthew J. Antonelli